

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John Albrecht, as Trustee for the Next-of-Kin of      Civil File No. 11-CV-716 JNE/SER  
Norma Albrecht, deceased,

Plaintiff,

**ORDER**

vs.

Ashokakumar Patel, M.D.; Mayo Clinic; Mayo  
Clinic Rochester; and Mayo Clinic Rochester  
d/b/a Mayo Clinic,

Defendants.

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WHEREAS, Plaintiff filed a Complaint alleging medical negligence against Ashokakumar Patel, M.D. and Mayo Clinic; Mayo Clinic Rochester; and Mayo Clinic Rochester d/b/a Mayo Clinic (“Mayo Clinic”);

WHEREAS, Plaintiff and Defendants reached an agreement where Plaintiff would dismiss Ashokakumar Patel, M.D. from the suit without prejudice, not add any other individual agents or employees of the Mayo Clinic to the case, and file an Amended Complaint to reflect that same, and, in exchange, the Mayo Clinic would accept responsibility for all employees and agents of Mayo (including but not limited to Ashokakumar Patel, M.D.) and not allege, argue, or allude to Plaintiff’s “failure” to name any individual defendant at trial;

WHEREAS, Rule 15(a) of the Federal Rules of Civil Procedure provides that unless a party may amend as matter of course, a party may amend its pleading only with an opposing party’s written consent or the court’s leave;

WHEREAS, Plaintiff John Albrecht, as Trustee for the Next-of-Kin of Norma Albrecht, deceased, has requested permission of Defendants to amend his Complaint;

WHEREAS, Defendants agree to Plaintiff filing an Amended Complaint;

WHEREAS, the parties agree that Exhibit A attached to and filed with the parties' Stipulation [Dkt. No. 8] is Plaintiff's Amended Complaint.

IT IS HEREBY ORDERED that:

(1) Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff may amend and file his Amended Complaint (attached as Exhibit A to the parties' Stipulation [Docket No. 8]) without leave of the Court;

(2) The allegations against Ashokakumar Patel, M.D. are dismissed without prejudice.

Dated: July 1, 2011

s/Steven E. Rau  
Steven E. Rau  
United States Magistrate Judge